

# House File 323 - Introduced

HOUSE FILE 323

BY OLSON

## A BILL FOR

1 An Act relating to the confidentiality of search warrant  
2 information in a criminal case resulting in an acquittal or  
3 a dismissal.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 808.13, Code 2017, is amended to read as  
2 follows:

3 **808.13 Confidentiality.**

4 1. All Except as otherwise provided in subsection 2, all  
5 information filed with the court for the purpose of securing  
6 a warrant for a search, including but not limited to an  
7 application and affidavits, shall be a confidential record  
8 until such time as a peace officer has executed the warrant  
9 and has made return thereon. During the period of time that  
10 information is confidential it shall be sealed by the court,  
11 and the information contained therein shall not be disseminated  
12 to any person other than a peace officer, magistrate, or  
13 another court employee, in the course of official duties.

14 2. All information filed with the court for the purpose  
15 of securing a warrant for a search or seizure of property in  
16 a criminal case that results in an acquittal or the dismissal  
17 of all criminal charges, including a dismissal relating to a  
18 deferred judgment under section 907.9, upon such acquittal or  
19 dismissal, shall be a confidential record, shall be sealed by  
20 the court, and shall not be disseminated to any person other  
21 than a peace officer, magistrate, or another court employee, in  
22 the course of official duties.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill relates to the confidentiality of search warrant  
27 information in a criminal case resulting in an acquittal or a  
28 dismissal.

29 Under current law, all information filed with the court for  
30 the purpose of securing a search warrant is a confidential  
31 record until a peace officer has executed the warrant and  
32 has filed a return of service with the court. During the  
33 confidentiality period, the information shall be sealed by  
34 the court and the information cannot be disseminated to any  
35 person other than a peace officer, magistrate, or another court

1 employee, in the course of official duties.

2     The bill provides that all information filed with the court  
3 for the purpose of securing a warrant for a search or seizure  
4 of property in a criminal case that results in an acquittal or  
5 the dismissal of all criminal charges, including a dismissal  
6 relating to a deferred judgment under Code section 907.9, upon  
7 such acquittal or dismissal, shall be a confidential record,  
8 shall be sealed by the court, and shall not be disseminated to  
9 any person other than a peace officer, magistrate, or another  
10 court employee, in the course of official duties.